

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
PROBATE /GUARDIANSHIP DIVISION "1Y"

CASE NO. 502012CP000739XXXXSB

IN RE: ESTATE OF
ROBERT ALFRED SAFRANEK,
Deceased.

12 SEP 11 AM 9:58
SHARON R. BOCK, CLERK
PALM BEACH COUNTY
SOLICITORS BRANCH

**ORDER ON PETITION FOR APPOINTMENT OF SUCCESSOR PERSONAL
REPRESENTATIVE**

THIS CAUSE to be heard on July 27, 2012 on the Petition for Appointment of Successor Personal Representative and the Objection thereto. Subsequent to the hearing, the Court invited and received points and authorities from counsel, along with spirited views of the manner in which each party followed the Court's instructions. Based upon the foregoing, it is

ORDERED AND ADJUDGED as follows:

1. In this testate estate, the chosen Personal Representative Marian Axelrod, resigned before administration of the estate is completed.
2. The decedent's will could not provide for a successor personal representative.
3. F.S. 733.301 controls and states that the preferred successor personal representative be the person selected by a majority in interest of the persons entitled to the estate.
4. The Petitioners' are the co-trustees of the trust that is the named beneficiary of the estate.
5. The Objector is a creditor and claimant who has filed an independent action that is pending in the circuit civil division of this Court which the successor personal representative will be required to defend.
6. Petitions seek Judd Rowe, Esquire and the Objector seeks Seth Marmor,

Esquire, as successor personal representative.

7. The Court determines that there are two persons that may be entitled to the estate; that is, the Trust and the Objector and as a result, there is no majority entity to select a successor personal representative.
8. There is a need in this case to tone down the intensity of the litigation between the parties especially given the apparent lack of assets in the estate subject to probate.
9. Based upon the authority in *In Re Estate of Snyder* 333 So. 2nd 519 (2 DCA 1976) the Court declines to select the lawyer desired by the parties and instead finds that it is more appropriate to appoint a successor personal representative who is independent of the parties and their lawyers and who will best serve the interests of this estate.
10. As a result, the Court appoints Dean Rosenbach, Esquire, 11430 US Highway 1 North Palm Beach, Fl. 33408 as Successor Personal Representative and Counsel for Petitioners shall submit letters of administration and an order appointing Dean Rosenbach, Esquire to serve without bond.

DONE AND ORDERED in chambers, at Delray Beach, Palm Beach County, Florida this 11th day of September, 2012.



MARTIN H. COLIN
Circuit Court Judge

Copies furnished:

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